

## 2011 DRAFTING REQUEST

### Bill

Received: 11/01/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Jeff Stone (608) 266-8590

By/Representing:

May Contact:

Drafter: phurley

Subject: Criminal Law - drugs

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Stone@legis.wisconsin.gov

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Electronic prescriptions

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### Instructions:

same as 3373

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### Drafting History:

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>     | <u>Typed</u>         | <u>Proofed</u> | <u>Submitted</u>       | <u>Jacketed</u>       | <u>Required</u> |
|--------------|-----------------------|---------------------|----------------------|----------------|------------------------|-----------------------|-----------------|
| /?           | phurley<br>11/01/2011 | jdyer<br>11/02/2011 |                      | _____          |                        |                       |                 |
| /1           |                       |                     | phenry<br>11/03/2011 | _____          | sbasford<br>11/03/2011 | lparisi<br>12/13/2011 |                 |

FE Sent For:

<END>

→ Not  
Needed

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1?           | phurley        | 1 11/2 jld      | 11/3 ph      | ✓              |                  |                 |                 |

FE Sent For:

<END>



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3207/P1  
PJH:cjs:jf

keep

3374/1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

mm

11-1-11

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Regen

- 1 AN ACT *to amend* 450.11 (2), 961.38 (1r) and 961.38 (2) of the statutes; **relating**  
2 **to:** electronic prescriptions for schedule II controlled substances.

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***Analysis by the Legislative Reference Bureau***

Under current law, controlled substances are divided into five separate schedules, depending on the substance's potential for abuse, whether the substance has a currently accepted and safe medical use, and whether and to what degree the substance leads to physical or psychological dependence. Schedule II substances are those that have a high potential for abuse and may lead to severe physical or psychological dependence, but also have a currently accepted medical use.

Under current law, a drug that is a schedule II substance may be dispensed to a person directly by a practitioner or by a pharmacy with a written prescription by the practitioner or, in the case of an emergency, by a pharmacist who receives an oral or electronic prescription by the practitioner that is promptly reduced to writing and filed by the pharmacist.

Under this bill, a drug that is a schedule II substance may be dispensed by a pharmacy with an electronic prescription by the practitioner in cases that are not emergencies and without the requirement that the prescription be reduced to writing.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 450.11 (2) of the statutes is amended to read:

450.11 (2) PRESCRIPTION ORDER FILE. Every prescription order shall be filed in a suitable book or file and preserved for at least 5 years. ~~Subject to s. 961.38 (2),~~ ~~prescription~~ Prescription orders transmitted electronically may be filed and preserved in electronic format.

**SECTION 2.** 961.38 (1r) of the statutes is amended to read:

961.38 (1r) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule II may be dispensed without the written or electronic prescription of a practitioner.

**SECTION 3.** 961.38 (2) of the statutes is amended to read:

961.38 (2) In emergency situations, as defined by rule of the pharmacy examining board, schedule II drugs may be dispensed upon an oral ~~or electronic~~ prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with rules of the pharmacy examining board promulgated under s. 961.31. No prescription for a schedule II substance may be refilled.

**(END)**

**Basford, Sarah**

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**From:** Dake, Marsha  
**Sent:** Tuesday, December 13, 2011 9:59 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3374/1 Topic: Electronic prescriptions

Please Jacket LRB 11-3374/1 for the ASSEMBLY.